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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:

Anthony Palombo	:	Case No. 17-20828CMB
Cathy Palombo	:	Chapter 13
Debtor(s)	:	
Russell A. Burdelski, Esquire	:	
	:	Related to Document #61
Movant(s)	:	
	:	
vs.	:	
	:	
No Respondents Named	:	Hearing Date 9/11/2019

TRUSTEE'S RESPONSE TO APPLICATION FOR INTERIM COMPENSATION AND  
REIMBURSEMENT OF EXPENSES AS COUNSEL FOR THE DEBTOR

Ronda J. Winnecour, Chapter 13 Trustee, by her undersigned counsel,

respectfully represents the following:

1. The Application seeks \$1375.00 in fees for the period 5/15/19 to 8/15/19. This is in addition to the No Look (\$4,000) and another \$1,475 previously allowed.<sup>1</sup>

2. Trustee questions the following entries:

	<u>Description</u>	<u>Time</u>	<u>Date</u>
(a)	Filing of amended Chapter 13 plan	0.30	5/24/19
(b)	Review of Order setting hearing on an Amended Plan	0.40	6/11/19
(c)	Review of Order confirming plan as modified	0.50	10/30/17

3. The time for filing the amended plan is an admittedly marginal issue though it does seem more administrative (billable at a lower rate) than legal.

4. 0.40 hours to review a scheduling order seems excessive. Trustee notes that the Applicant separately billed for service (at .4 hrs on 6/12/19).

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<sup>1</sup> Regarding the standard to be applied in reviewing fee applications, as noted in *In re Busy Beaver Building Centers, Inc.*, 19 F. 3d 833, 845 (3d Cir. 1994), a Court need only correct reasonably discernable abuses, not pin down to the nearest dollar the precise fee to which the professional is entitled. A bankruptcy judge's experience with fee petitions and appropriate billing practices, founded on its understanding of the legal profession, is the starting point for its analysis. *Id* at 854. "The court should review a fee application to ensure the applicant exercises the same "billing judgment" as do non-bankruptcy attorneys by, for example, writing off unproductive research time, duplicative services, redundant costs precipitated by overstaffing, or other expenses with regard to which the professional generally assumes the cost as overhead in corresponding non-bankruptcy matters, or for which analogous non-bankruptcy clients typically decline to pay." *Id* at 855-56.

5. 0.50 hours to review a confirmation seems high (at least without additional explanation). In addition, it seems that the date the time was incurred is in error.

WHEREFORE, the Trustee requests the fees adjusted as appropriate to reflect reasonable and necessary and actual time.

RONDA J. WINNECOUR,  
CHAPTER 13 TRUSTEE

Date: 09/03/19

by /s/ Owen W. Katz  
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CERTIFICATE OF SERVICE

I hereby certify that on the 03<sup>RD</sup> of September 2019, I served one true and correct copy of the foregoing document on the following parties in interest by United States first-class mail, postage prepaid, addressed as follows:

Joseph S. Sisca, Esquire  
Assistant U.S. Trustee  
Suite 970, Liberty Center  
1001 Liberty Avenue  
Pittsburgh PA. 15222

Anthony Jr. and Cathy Palombo  
515 Crestview Drive  
Pittsburgh PA 15239

Russell Burdelski, Esquire  
The Law Office of Russell A. Burdelski  
1020 Perry Highway  
Pittsburgh PA 15237

/s/Dianne DeFoor  
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